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REMARKS/ARGUMENTS

Claims 1, 24 and 47 have been amended. Support for the amendments to claims 1, 24 and 47 can be found in the specification, for example, on page 5 starting at line 2; page 10, starting at line 24; page 18 starting at line 14; and Figs. 3 and 4.

Additionally, claims 2-23; 25-46 and 48-69 have been canceled and have been replaced with new claims 70-91; 92-113 and 114-135 respectively. As the number of canceled and added dependent claims is the same, no additional fees are believed to be required.

Support for new claims 70-72; 92-94 and 114-116 can be found, for example, on page 18, line 14 through page 19, line 5. Support for new claims 73-74; 95-96 and 117-118 can be found, for example, on page 19, line 5 through page 20, line 3. Support for new claims 75-76; 97-98 and 119-120 can be found, for example, on page 9, line 21 through page 10, line 2. Support for new claims 77; 99 and 121 can be found, for example, on page 6, lines 5-8. Support for new claims 78-79; 100-101 and 122-123 can be found, for example, on page 18, lines 1-8. Support for new claims 80-81; 102-103 and 124-125 can be found, for example, on page 20, lines 4-20. Support for new claims 82-91; 104-113 and 126-135 can be found, for example, generally on pages 5-6; 9-10; 20-21.

No new matter is involved in amending the independent claims and adding new dependent claims.

35 U.S.C. § 103

Claims 1-69 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication 2002/0116336 (Diacakis '336) in view of U.S. Patent No. 6,065,012 (Balsara '012). Currently, claims 1, 24 and 47 are in independent form.

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In view of the clarifying remarks and amendments herein, the applicants respectfully assert that a *prima facie* case of obviousness has not been established because Diacakis '336 and Balsara '012 fail to disclose, teach or suggest all the claim limitations¹.

With regard to claims 1, 24 and 47, Diacakis '336 and Balsara '012 fail to disclose, teach or suggest at least receiving a user request to execute a directory search, receiving a query criteria and executing a search of a directory database in response to the user request, the search utilizing the query criteria to produce a first result comprising a null set or directory information corresponding to at least one entity, wherein the directory database comprises static information and does not comprise dynamically updated contact information.

The primary reference relied upon in the Office action is Diacakis '336, which discloses a system for displaying contact information in a presence and availability management system. In general, the system includes two different types of participants, including individual users and subscribers/observers. "Individual users" are those people being tracked by the presence and availability system. Each individual user sets up a profile to configure the necessary contact information for one or more communications devices utilized by the individual user. The individual user also sets up rules and preferences that determine who is entitled to receive a publication of the information².

Subscribers/observers, on the other hand, receive published information regarding the presence and availability of the individual users, subject to the rules and preferences of those individual users. As duly noted in the Office action, one instance where an "observer" is not a

¹ MPEP §706.02(j),

² Diacakis '336, paragraph 31.

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"subscriber" is where someone requests a presence and availability information of an individual user only once³.

Regardless of whether an observer is a one time user or a subscriber, the operation of the system is the same. In Diacakis '336, the disclosed system *broadcasts* dynamically changing contact information of individual users only to observers who have permission to obtain the contact information. As noted in the discussion of the background in Diacakis '336, having to retrieve presence and availability information only when it is needed creates a delay at a critical point in time where user tolerance for it is low⁴. As further noted in the specification:

According to one embodiment, the system 10 employs a *publisher-subscriber model*. According to such an embodiment, an individual defines a P&A profile set, which is stored on the P&A management server 12. When the individual transmits a change in profile to the server 12, *the server publishes the change* to each of the connected clients 22 that are subscribers of the individual's information. The publisher-subscriber model enables subscribers to observe a particular individual's P&A information instantly⁵. (emphasis added)

...
In contrast to some prior P&A management systems, embodiments of the present invention utilize a publisher-subscriber model. That is, the individual's availability information is published on an event-triggered basis to subscribers of the individual's availability information, *rather than transmitted only when requested by the subscriber*. Accordingly, changes in an individual's availability are broadcast instantly to subscribers of the individual's P&A information, *assuming those subscribers satisfy the individual's rules and preferences regarding dissemination of his P&A information*⁶. (emphasis added)

³ Diacakis '336, paragraph 30.

⁴ Diacakis '336, paragraph 8.

⁵ Diacakis '336, paragraph 29.

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In Diacakis '336, an individual user being tracked by the system configures a presence and availability server 12 "in order to instruct the system 12 how his information is to be distributed". (emphasis added)⁷ The concept of distributing or publishing information is integrally tied with the disclosed concept of allowing the individual user (i.e., not the observer or any other person wishing to request contact information) to categorize persons with whom certain information is shared and to determine who is entitled to receive such contact information. For example, as noted in the specification, "more important" people are given easier access to the individual user, whereas less important people are given minimum access, and undesirable persons or groups are restricted from access altogether⁸. The individual user may also set categories based upon profiles of situations, such as when traveling, at home, etc⁹. Accordingly, a given observer may be treated with different levels of importance depending upon circumstances of the individual user of the presence and availability server 12.

If either the presence or the availability of the individual user changes, the updated information at the presence and availability server 12 is filtered by that individual user's rules and preferences. The presence and availability server 12 then publishes to each observer, only the information to which the particular observer is entitled.

Accordingly, when the P&A management server 12 detects a change in, for example, the individual's situation, the P&A management server 12 consults the individual's defined rules and preferences (which may be stored by the P&A management server 12), and transmits the appropriate information to the clients 22 for subscribers to the individual's information based on the subscriber's access groups. The presence detection engine 18 may detect a change in the individual's situation, as described further hereinafter, or the individual may communicate the change to the management server 12 directly¹⁰.

6 Diacakis '336, paragraph 69.

7 Diacakis '336, paragraph 31.

8 Diacakis '336, paragraph 31.

9 Diacakis '336, paragraph 34.

10 Diacakis '336, paragraph 34.

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The disclosed concept of an information *publication* system is also seen with reference to Fig. 4. As shown therein, a "Presence Detection Engine" 18 detects a change in the contact information of a user of the system. The noted change is communicated to an "Availability Management Engine" 20, which considers that particular user's situation 60, the rules and preferences 64 that were established by the user, and the filter or categorization of persons or groups to determine which subscribers are entitled to contact information. The filtered update information is then *transmitted* to authorized subscribers/observers¹¹.

There is no support in Diacakis '336 that discloses, teaches or suggests receiving a user request to execute a directory search, receiving a query criteria and executing a search of a directory database in response to the user request, the search utilizing the query criteria to produce a first result comprising a null set or directory information corresponding to at least one entity, wherein the directory database comprises static information and does not comprise dynamically updated contact information. Rather, Diacakis '336 deliberately seeks to avoid and teaches away from that which is claimed. Accordingly, the applicants respectfully request that the rejection of claims 1, 24, and 47, and the claims that depend there from, under 35 U.S.C. §103(a) be withdrawn.

Diacakis '336 further does not disclose, teach or suggest executing a search of a directory database in response to the user request, the search utilizing the query criteria to produce a first result comprising a null set or directory information corresponding to at least one entity, wherein the directory database comprises static information and does not comprise dynamically updated contact information and invoking a dynamic contact information service utilizing at least one of the first result and the query criteria to produce a second result comprising dynamic contact information.

¹¹ Diacakis '336, paragraphs 38; 40-47.

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Rather, in Diacakis '336, the presence and availability server 12 tracks the updated presence and availability information of all individual users, and broadcasts to each entitled observer, the updated dynamic information itself.

The Office action asserts that the claimed "query criteria" is read on "presence information" and "availability information". The applicants respectfully traverse this interpretation based upon the claim language as amended herein. As claimed, the query criteria is used to search the directory database and may also be utilized by the dynamic content information service to respond to a user requested query for information.

In Diacakis '336, the "presence information" is generated directly by the individual user being tracked by the system 12, or via electronic monitoring of the individual user¹². The "user" is the contact person him or herself and is not a person who is querying a directory database. Moreover, the "availability information" applies rules, preferences, user situation data and subscriber characterizations to determine who is entitled to receive updated contact data. The availability information also determines and what level/amount of contact data each subscriber is entitled to. Again, the availability information includes rules and preferences selected by the individual user being tracked. These rules are utilized by the system 12 to determine which observers have permission to receive updated contact information about an associated individual user, and if an observer is entitled to information, the type of information that the observer is entitled to. Thus, the rules are established by the individuals being tracked by the system and have nothing to do with query criteria that are utilized to process a user requested query for contact information.

The Office action also asserts that the claimed first result reads on Fig. 8, the "Contacts Program". The applicants respectfully traverse this interpretation of Diacakis '336.

¹² Diacakis '336, paragraphs 40-46.

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As claimed, the first result may comprise either a null set or directory information corresponding to at least one entity located in a directory database, where the directory database contains static information and not dynamically updated contact information.

However, the contacts program identified in Fig. 8, displays the *dynamically changing* individual users that a particular observer/subscriber has a subscription with or for whom the observer is entitled to see their contact information.

As represented in Fig. 8, the icons in the Business, Friends and Misc. folders are dynamically updated to show a summary of the current status of the corresponding subscribed to user. As the various individual user's contact information is changed, that updated information is published by the presence and availability server 12 directly to the terminal of the observer (as represented by Fig. 8) without the subscriber requesting or otherwise re-executing a request for contact information. That observer's terminal automatically updates the corresponding dynamic information.

... For example, with reference to FIG. 8, there is one entry (indicator) for Alex, indicating that Alex is available on a telephone network and an IM network. This is indicated by the telephone icon and the IM icon next to Alex's name. Thus, the single summary indicator may be a summary of the individual's availability, with the single summary indicator containing several different icons or states that convey the availability information¹³.

As noted above, in Diacakis '336, the contacts program on the client terminal dynamically updates the displayed contacts based upon the received broadcast information. For example, as described with reference to Fig. 10, the Contact program processes received broadcast information. The Contact program further updates the screen icons based upon

¹³ Diacakis '336, paragraph 59.

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changes in the information corresponding to individual users being observed. AS noted in the specification:

At block 124, a counter, k, is set to equal 1. At block 126, for individual k for which the client subscribes to contact information, the indicator module 110 may determine whether an address for each data content type (e.g., telephone, text (IM), video, graphic, audio, etc.) has been transmitted from the P&A management server 12. For a particular content type, if no address has been received, the process advances to block 128 where the indicator module 110 displays that individual k is not available for the particular content type. For example, with reference to FIG. 8, the indicator for Tom indicates that Tom is not available to receive IM (text) data. Conversely, if at block 126 it is determined that an address has been received for the particular content type, the process advances to block 130 where the indicator module 110 may display that the individual is available to receive the particular data content type. This process may be repeated for each data content type¹⁴.

Thus, the observer's terminal receives updated dynamic information and the software on the observer's terminal updates icons that represent the received dynamically changing information. However, this does not disclose, teach or suggest executing a search of a directory database in response to the user request, the search utilizing the query criteria to produce a first result comprising a null set or directory information corresponding to at least one entity, wherein the directory database comprises static information and does not comprise dynamically updated contact information. Additionally, it does not disclose, teach or suggest invoking a dynamic contact information service utilizing at least one of the first result and the query criteria to produce a second result comprising dynamic contact information. Accordingly, the applicants respectfully request that the rejection of claims 1, 24, and 47, and the claims that depend therefrom, under 35 U.S.C. §103(a) be withdrawn.

Diacakis '336 does not disclose, teach or suggest coalescing first and second search results. In Diacakis '336, the presence and availability server 12 broadcasts to all entitled

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observers, the updated information of an individual user of the system. The transmission is that user's dynamically updated information. The contacts program reads the transmitted message and determines whether a contact, e.g., address, phone number, etc. is available for a particular communications medium. If no information was transmitted, the Contacts program assumes that the particular communications medium is unavailable¹⁵.

As such, first and second search results are not coalesced. Rather, the disclosed Contacts program receives transmissions of updated contact information and makes assumptions of availability based upon whether information was received or not for a particular communications medium associated with a particular user of the system.

Balsara '012 discloses a summary window in the Microsoft Outlook email program¹⁶. The disclosed system generates a dynamic summary view of predetermined data created by a program module¹⁷. In the invention disclosed in Balsara '012, ActiveX controls are relied upon to share information between objects containing dynamic information regarding a particular user's operating system/work environment and a summary window¹⁸.

Balsara '012 thus fails to disclose, teach or suggest at least receiving a user request to execute a directory search, receiving a query criteria, executing a search of a directory database in response to the user request, the search utilizing the query criteria to produce a first result comprising a null set or directory information corresponding to at least one entity, wherein the directory database comprises static information and does not comprise dynamically updated contact information, invoking a dynamic contact information service utilizing at least one of the

14 Diacakis '336, paragraph 66.

15 Diacakis '336, paragraph 66.

16 Balsara '012, Col. 5, line 65 through Col. 6, line 18.

17 Balsara '012, Col. 2, lines 19-54; Figs. 5-7.

18 Balsara '012, Col. 8, line 66 through Col. 9, line 49.

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first result and the query criteria to produce a second result comprising dynamic contact information and coalescing the first and second results to produce a coalesced result.

In view of the amendments and clarifying remarks herein, the applicants respectfully request that the Examiner withdraw the rejection of claims 1, 24 and 47, and the claims that depend there from, under 35 U.S.C. §103(a).

New Claims

Each of the newly added claims depends from a base claim and as such, the applicants believe that the added claims are patentable at least for the reasons as set out in greater detail herein. As further examples, with reference to new claims 70-72; 92-94 and 114-116 generally, the cited references fail to disclose, teach or suggest that claimed, including that the query criteria is specified by a user, a routine or is selected from at least one source of information.

With reference to new claims 73-74; 95-96 and 117-118 generally, the cited references fail to disclose, teach or suggest that claimed, including determining whether the results of a directory search comprise a null set. In this regard, it is duly noted that, in rejecting previously pending claims 2, 25 and 48, the Office action asserts that the claimed recitation of a null set reads on Diacakis '336 disclosure of the Contacts program identifying information as "not available". The applicants respectfully traverse this interpretation. As claimed, a first search of a static directory database is performed. If the search results are null, i.e., no results found in the directory database, then the same query criteria used to search the directory database may be applied to the dynamic contact information service.

However, in Diacakis '336, the Contacts program does not query the server 12 as noted in greater detail above. Thus, it cannot receive a null set as a query result. Moreover, the contacts program only receives updated dynamic information. This updated dynamic information may

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identity that an individual user being tracked by the observer is unavailable by a particular communications type, but does not indicate that no such user exists in the server 12. The Contacts program makes the determination of "not available" based upon an absence of received dynamic information for a particular individual. In other words, only dynamically updated contact information is broadcast from the presence and availability server 12 to a subscriber for each of the users that are subscribed to by the observer as described in greater detail herein.

With reference to new claims 75-76; 97-98 and 119-120 generally, the cited references fail to disclose, teach or suggest that claimed, including using a dynamic contact service to produce a second result of dynamic contact information utilizing either the results of a static directory database search or query criteria, by searching a dynamic content database or by dynamically determining contact information.

Conclusion

For all of the above reasons, the applicants respectfully submit that the above claims recite allowable subject matter. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,
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